

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: BARRY JOHN BRYAR

ART UNIT: 3657

SERIAL NO.: 10/583,484

EXAMINER: JAMES K. HSIAO

FILED: JUNE 15, 2006

CONFIRMATION NO.: 1784

TITLE: TRAILER ISOLATOR ASSEMBLY

**PETITION TO VACATE ERRONEOUS
NOTICE OF ABANDONMENT, PURSUANT TO 37 C.F.R. §1.181**

Hon. Commissioner for Patents
United States Patent and Trademark Office
P. O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

Applicant hereby petitions the Commissioner for Patents, pursuant to 37 C.F.R. §1.181, to vacate the erroneous holding of abandonment, as indicated by the *Notice of Abandonment*, dated October 11, 2011, stating that Applicant did not file a reply to the Office Action, dated April 5, 2011, when, in fact, a timely reply (with the requisite three-month extension petition and fee) was electronically filed October 5, 2011 (EFS ID No. 11118534.) A complete copy of Applicant's electronically-filed reply of October 5, 2011, accompanies this *Petition*.

Because a proper and timely reply to the Office Action, dated April 5, 2011, was timely filed October 5, 2011 (including the required three-month extension petition and fee), the *Notice of Abandonment*, issued October 11, 2011, is inappropriate and should therefore be vacated.

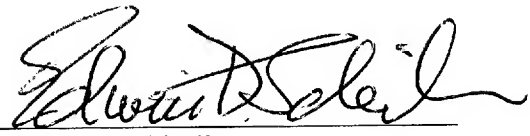
No fee is due in support of this Petition, which is timely under 37 C.F.R. §1.181(f).

Accordingly, Applicant respectfully requests that the instant Petition under 37 C.F.R. §1.181 be granted and that the *Notice of Abandonment*, dated October 11, 2011, be vacated.

Such favorable action is respectfully requested and earnestly solicited.

Respectfully submitted,

BARRY JOHN BRYAR

By 
Edwin D. Schindler
Attorney for Applicant
Reg. No. 31,459

PTO Customer No. 60333

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Huntington, New York 11743-0777

(631)474-5373

October 13, 2011

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: BARRY JOHN BRYAR

ART UNIT: 3657

SERIAL NO.: 10/583,484

EXAMINER: JAMES K. HSIAO

FILED: JUNE 15, 2006

CONFIRMATION NO.: 1784

TITLE: TRAILER ISOLATOR ASSEMBLY

AMENDMENT IN RESPONSE TO THE THIRD OFFICE ACTION

Hon. Commissioner for Patents
United States Patent and Trademark Office
P. O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

In reply to the third Office Action, dated April 5, 2011 (*Petition for Three-Month Extension of Time*, pursuant to 37 C.F.R. §1.136(a), and requisite extension fee of \$635.00 (small entity) being concurrently remitted via EFT), please amend the above-identified patent application as indicated on the following pages:

IN THE SPECIFICATION

Please amend the Specification as follows:

Page 5, lines 3 – 9, please rewrite this paragraph as follows:

The invention therefore provides a simple means for diverting the air flow in the air brake supply line thereby maintaining the brakes of the trailer in an ~~[[On]]~~ “on” position. While we have described here an air flow diversion using a ball valve any appropriate valve could be used as could any preferred locking mechanism. It is however preferred that the trailer isolator be housed in a box device, which is fitted into a trailer brake system such that it cannot be readily removed. This simple lever operated mechanism which is held in position by a locked door cannot be readily accessed by a ~~would-be~~ would-be thief.

IN THE CLAIMS

Please amend the status of the claims to that as indicated below:

Claims 1 – 9 (canceled)

10. (currently amended) A trailer isolator assembly, comprising:

a single valve only connected to an inlet of a trailer compressed air supply line, said single valve being capable of:

permitting passage of compressed air into and through said trailer compressed air supply line to a braking system when said single valve is in a closed state; and,

diverting the passage of compressed air from the braking system and exhausting air present in said compressed air supply line from said single valve through an exhaust line when said single valve is in an open state; and,

a housing for said single valve, said housing being connected to a trailer braking system and accessible via a lockable door.

Claims 11 – 12 (canceled)

13. (previously presented) The trailer isolator assembly according to Claim 10, wherein said single valve is a ball valve.

Claim 14 (canceled)

15. (previously presented) The trailer isolator assembly according to Claim 10, wherein said housing includes a lever for operating said single valve.

16. (previously presented) The trailer isolator assembly according to Claim 10, wherein said housing includes a keypad for operating said lockable door.

17. (previously presented) The trailer isolator assembly according to Claim 10, further comprising a GPS signal from a trailer for identifying location of the trailer.

Claims 18 – 19 (canceled)

REMARKS

Reconsideration and withdrawal of the rejection and the allowance of all claims now pending in the above-identified patent application (*i.e.*, Claims 10, 13 and 15-17) are respectfully requested in view of the foregoing amendments and the following remarks.

At the outset, it should be recognized that the present invention, as now most broadly claimed, provides a truck or trailer isolator assembly apparatus in which the air brakes of the truck or trailer remain “on” in a locked position when the truck or trailer is in a detached state until authorized personnel are able to unlock the braking system and move the trailer. As is well known in the prior art, when a trailer is disconnected, its air brakes are normally in an actuated mode. When the trailer is re-connected to a tractor or truck, compressed air is able to pass through a supply line for permitting disengagement of the air braking system. While the air brakes are necessarily in a locked state when the trailer is detached, thereby permitting a significant safety advantage, the ability of the air brakes to be controlled by mere connection to a tractor’s braking system renders security of the trailer, at best, problematic.

Applicant’s invention, as now most broadly claimed, avoids the drawbacks known to the prior art by providing a trailer isolator assembly, which includes only a single valve which is connected to an inlet of a trailer compressed air supply line, so that in a “closed” state, the valve permits compressed air to pass into and through the air supply line to the braking system and, while in an “open” state, the single valve causes a diversion of the passage of compressed air from the braking system and causes air in the compressed air

supply line to be exhausted from the valve through an exhaust line. The diversion of the compressed air away from the compressed air supply, when in an “open” position, avoids the possibility of the compressed air “building up” in the truck/trailer isolator assembly. The present invention, as claimed, further includes a housing for the single valve with the housing being connected to a trailer braking system and accessible via a lockable door.

As will be explained in greater detail hereinafter, nowhere in the prior art is such a novel and efficient trailer and truck isolator assembly, which includes only a single valve for maintaining the air brakes of a trailer in a locked condition when the trailer is in a detached state until unlocked by authorized personnel, notwithstanding any unauthorized attempt to disengage the brakes by the provision of compressed air, and in which the single valve acts to divert the compressed air away from the compressed air supply when in an “open” position, which avoids any possibility of the compressed air “building up” in the assembly, either disclosed or suggested.

By the present amendments, Applicant has amended independent Claim 10 (and all remaining claims via dependency), to now recite that the “single valve” of the invention, when in an “open” state, acts to --divert[] the passage of compressed air from the braking system.-- Claim 10 has further been amended to specify that the “single valve” is connected to --an inlet-- of the trailer’s compressed air supply. As will be explained, it is submitted that independent Claim 10, as now amended, is patentably distinguishable over the prior art.

Applicant’s Specification has also been amended (at page 5) for the purpose of

attending to various informalities.

Turning now, in detail, to an analysis of the Examiner's prior art rejection, in the third Office Action the Examiner has now rejected independent Claim 10 (and various dependent claims) as being anticipated, pursuant to 35 U.S.C. §102(b), by Harless *et al.*, U.S. Patent No. 5,145,240. It is the Examiner's contention that Harless *et al.* discloses a single valve (44, 140) that is connected only to a trailer compressed air supply line (16) with the single valve being capable of permitting the passage of compressed air through the trailer compressed air supply line to a braking system when the single valve is in a closed state, while air is exhausted from the compressed air supply line from the single valve through an exhaust line when the single valve is open (the Examiner citing to Col. 4 of Harless *et al.*), thereby contending that Harless *et al.* anticipates Applicant's Claim 10, as most recently examined.

In reply to the Examiner's 35 U.S.C. §102(b) anticipation rejection applying Harless *et al.*, which discloses an air brake safety and anti-theft valve assembly, as can be readily seen from FIG. 1 of the applied reference, the valve control assembly (30) of Harless *et al.* is coupled to a brake line via a T-connector (35) and a line (37). Compressed air is therefore supplied to the valve control assembly (30), through the brake line (16) and the line (37), such that the valve of the control assembly, when in a "closed" position, allows air to "build up" in the brake line (16) for releasing the brakes. (See, Harless *et al.* at Col. 4, lines 57 – 66) As the system of Harless *et al.* locates the valve control assembly (30) near the rear doors of the trailer, when the trailer is

connected to a truck, compressed air flows from the truck through the entirety of the system before it is received at the valve of the valve control assembly (30). The valve control assembly (30) of Harless *et al.* in no way acts as a bypass system for diverting air flow away from the brakes, in sharp contrast to that now recited in Applicant's amended independent Claim 10, but, instead, bleeds air from the brake system after the compressed air passes through the brake system. Such a system, as described by the applied prior art, has a particular risk of malfunctioning in the event that the valve of the valve control assembly (30) becomes blocked or restricted, or should there exist a blockage or restriction in the air supply line, such that air pressure within the air supply line is raised to a level sufficient for initiating disconnection of the air brakes. Consequently, by placement of the valve at the end of the air supply line, such that it receives compressed air after that compressed air has travelled through the brake line, the air brake system disclosed by Harless *et al.* has considerable drawbacks.

With reference to the present invention, it is taught at Page 2, ¶ 2, of Applicant's *Specification* that the claimed invention pertains to "a trailer isolator assembly which includes a mechanically operable valve means which is connected to a trailer compressed air supply such that in a closed state the valve permits compressed air to pass through the supply line to a braking system." In Applicant's *Specification* at Page 5, it is stated that the present invention provides "means [for] diverting the air flow in the air brake supply line thereby maintaining the brakes of the trailer in an 'on' position." Applicant's FIG. 1 further shows the manner in which the claimed apparatus diverts compressed air away from the spring brakes (6), so as to avoid any build-up of pressure within the air supply

line. It is the fact that the valve of the present invention, as now recited in amended independent Claim 10, diverts the compressed air away from the compressed air supply (13), when in the open position, which avoids any possibility of compressed air building up in Applicant's system, which may inadvertently cause the brakes to release. Such an arrangement also functions to exhaust air from the storage tanks associated with the trailer, due to the pressure differential created in the system with the single valve being located at the entry point to the air supply line.

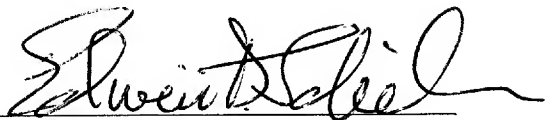
In light of the foregoing, it is respectfully contended that the Examiner's 35 U.S.C. §102(b) anticipation rejection of independent Claim 10, as part of the third Office Action, which applies Harless *et al.*, has now been overcome and should be appropriately withdrawn.

In view of the foregoing, it is respectfully contended that all claims now pending in the above-identified patent application (*i.e.*, Claims 10, 13 and 15-17) recite a novel and efficient trailer and truck isolator assembly, which includes only a single valve for maintaining the air brakes of a trailer in a locked condition when the trailer is in a detached state until unlocked by authorized personnel, notwithstanding any unauthorized attempt to disengage the brakes by the provision of compressed air, and in which the single valve acts to divert the compressed air away from the compressed air supply when in an "open" position, which avoids the possibility of the compressed air building up in the trailer isolator assembly, which is patentably distinguishable over the prior art.

Accordingly, withdrawal of the outstanding rejection and the allowance of all claims now pending are respectfully requested and earnestly solicited.

Respectfully submitted,

BARRY JOHN BRYAR

By 
Edwin D. Schindler
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Reg. No. 31,459

PTO Customer No. 60333

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P. O. Box 4259
Huntington, New York 11743-0777

(631)474-5373

October 5, 2011

Enc.: 1. Petition for Three-Month Extension of Time for Response; and,
2. EFT for \$635.00 (Three-Month Extension Fee).

The Commissioner for Patents is hereby authorized to charge the Deposit Account of Applicant's Attorney (*Account No. 19-0450*) for any fees or costs pertaining to the prosecution of the above-identified patent application, but which have not otherwise been provided for.

Electronic Patent Application Fee Transmittal					
Application Number:		10583484			
Filing Date:		15-Jun-2006			
Title of Invention:		Trailer isolator assembly			
First Named Inventor/Applicant Name:		Barry John Bryar			
Filer:		Edwin D Schindler			
Attorney Docket Number:					
Filed as Small Entity					
U.S. National Stage under 35 USC 371 Filing Fees					
Description		Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Basic Filing:					
Pages:					
Claims:					
Miscellaneous-Filing:					
Petition:					
Patent-Appeals-and-Interference:					
Post-Allowance-and-Post-Issuance:					
Extension-of-Time:					
Extension - 3 months with \$0 paid		2253	1	635	635

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Miscellaneous:				
Total in USD (\$)				635

Electronic Acknowledgement Receipt

EFS ID:	11118534
Application Number:	10583484
International Application Number:	
Confirmation Number:	1784
Title of Invention:	Trailer isolator assembly
First Named Inventor/Applicant Name:	Barry John Bryar
Customer Number:	60333
Filer:	Edwin D Schindler
Filer Authorized By:	
Attorney Docket Number:	
Receipt Date:	05-OCT-2011
Filing Date:	15-JUN-2006
Time Stamp:	16:30:53
Application Type:	U.S. National Stage under 35 USC 371

Payment information:

Submitted with Payment	yes
Payment Type	Electronic Funds Transfer
Payment was successfully received in RAM	\$635
RAM confirmation Number	3045
Deposit Account	
Authorized User	

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
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1		BJB_TATLOCKS_EXT_3RDAMD-10052011.pdf	503645 fe8fd34067fba2a0cc203907be9b5c1743de9c34	yes	12
	Multipart Description/PDF files in .zip description				
	Document Description		Start	End	
	Extension of Time		1	2	
	Amendment/Req. Reconsideration-After Non-Final Reject		3	3	
	Specification		4	4	
	Claims		5	6	
	Applicant Arguments/Remarks Made in an Amendment		7	12	
Warnings:					
Information:					
2	Fee Worksheet (SB06)	fee-info.pdf	29418 0d62548c28e62c29839e08bd28b6c44236577e10	no	2
Warnings:					
Information:					
Total Files Size (in bytes):			533063		
<p>This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.</p> <p><u>New Applications Under 35 U.S.C. 111</u> If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.</p> <p><u>National Stage of an International Application under 35 U.S.C. 371</u> If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.</p> <p><u>New International Application Filed with the USPTO as a Receiving Office</u> If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.</p>					

PATENT

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APPLICANT: BARRY JOHN BRYAR

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EXAMINER: JAMES K. HSIAO

FILED: JUNE 15, 2006

CONFIRMATION NO.: 1784

TITLE: TRAILER ISOLATOR ASSEMBLY

PETITION UNDER RULE 136(a) FOR A THREE-MONTH EXTENSION

Hon. Commissioner for Patents
United States Patent and Trademark Office
P. O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

Applicant hereby petitions, pursuant to 37 C.F.R. §1.136(a), for a three-month extension, until October 5, 2011, in which to file an *Amendment* in response to the Third Office Action, dated April 5, 2011, for the above-identified patent application.

The shortened statutory period for response expired on July 5, 2011. The requisite fee of \$635.00 (small entity) is being concurrently remitted via EFT.

Respectfully submitted,

BARRY JOHN BRYAR

By 
Edwin D. Schindler
Attorney for Applicant
Reg. No. 31,459

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October 5, 2011